



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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SACHI A. HAMAI  
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April 28, 2020

To: Supervisor Kathryn Barger, Chair  
Supervisor Hilda L. Solis  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Janice Hahn

From: Sachi A. Hamai  
Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

JANICE HAHN  
Fourth District

KATHRYN BARGER  
Fifth District

## REPORT BACK ON ADVOCATING FOR IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDERS DURING THE COVID-19 CRISIS (ITEM NO. 71-A, AGENDA OF MARCH 31, 2020)

On March 31, 2020, the Board of Supervisors directed the Chief Executive Officer (CEO), in consultation with the Department of Public Social Services, the Personal Assistance Services Council, Service Employees International Union, Local 2015 (SEIU-2015), and the Department of Public Health to report back, in writing, within 14 days on the feasibility of advocating for various State guidelines for IHSS providers for the duration of the period that Governor Newsom's declaration of a State of Emergency is in effect. The motion also requested a response on the measures the County has already taken to support IHSS providers in preparation for and during the COVID-19.

The CEO worked with the entities noted in the motion and prepared the attached report that includes a listing of each of the State guidelines the Board inquired about, the measures the County has taken to support IHSS providers in relation to the COVID-19 crisis, and an update on the IHSS backup attendant program.

If you have any questions or need additional information, please contact David Seidenfeld at (213) 974-1457 or [dseidenfeld@ceo.lacounty.gov](mailto:dseidenfeld@ceo.lacounty.gov).

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Attachment

c: Executive Office, Board of Supervisors  
County Counsel  
Personal Assistance Services Council  
Public Health  
Public Social Services  
Service Employees International Union, Local 2015

**ADVOCATING FOR IN-HOME SUPPORTIVE SERVICES (IHSS) PROVIDERS DURING THE COVID-19 CRISIS**

On March 31, 2020, the Board of Supervisors directed the Chief Executive Officer (CEO), in consultation with the Department of Public Social Services (DPSS), Personal Assistance Services Council (PASC), Service Employees International Union, Local 2015 (SEIU-2015), and Department of Public Health (DPH) to report back, in writing, within 14 days on the following items. A response is provided for each item below.

**1. Unique measures the County has taken to support IHSS providers in preparation for and during the COVID-19 crisis, including, but not limited to the creation and maintenance of the backup attendant program which ensures that clients receive services even if their providers are not available:**

The County is working closely with PASC, DPSS, California Department of Social Services (CDSS), and others to provide timely guidance and support for the purchase of Personal Protective Equipment (PPE), and help in maximizing State and federal funding available to the program through various guidance provided by CDSS.

In addition, the State has also provided an update on the backup attendant program. CDSS issued guidance that addresses the need for an emergency backup system of IHSS providers to ensure recipients are able to continue to receive their needed services during the COVID-19 pandemic. Each county will be required to work with the public authority to implement a system to have backup providers available if a provider is unable to work due to COVID-19 impacts. The County already has a robust backup provider system in place that can quickly assign providers with an IHSS recipient. This backup program is administered through PASC, which pays backup IHSS providers a \$3.00 wage differential on top of the County provider wage. IHSS providers that conduct emergency backup services related to COVID-19 impacts will be paid this wage differential.

PASC has increased their efforts to recruit backup providers by conducting online trainings in both English and Spanish. PASC reports that since the COVID-19 emergency declaration, 32 new backup providers have been trained. PASC has increased its focus on backup provider requests and prioritizing the need to increase the number of backup providers available to IHSS recipients. DPSS will also provide PASC a list of IHSS providers who have been inactive for the past 6 months, and PASC will use this list to recruit additional backup providers.

**2. Recent measures the State has taken to support IHSS providers:**

The State has advised counties to allow flexibility in adjusting weekly authorized service hours to their IHSS providers to ensure recipients receive adequate and timely services needed during the State of Emergency. Counties are also allowed the flexibility to adjust IHSS recipients authorized hours when alternative resources previously utilized by the recipient are no longer available (e.g., community-based services and school).

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In addition, on March 18, 2020, the President signed the Families First Coronavirus Response Act (FFCRA). Included in the FFCRA is the Emergency Paid Sick Leave Act, which provides for two weeks of emergency paid sick leave when a covered employee is unable to work due to the COVID-19 pandemic. The FFCRA became effective on April 2, 2020 and will remain in effect until December 31, 2020. On April 14, 2020, CDSS released a policy providing two weeks of emergency paid sick leave when a covered provider is unable to work due to the COVID-19 pandemic. This became effective April 1, 2020 and will remain in effect until December 31, 2020.

Finally, DPSS social workers (SW) are conducting wellness checks for the at-risk population (i.e., age 65+ and who live alone or who do not have a provider). During the wellness check, the SW will determine the well-being of the recipient and if the recipient is food insecure. The SW will share resource information, including informing the recipient of the CalFresh Program and Workforce Development, Aging and Community Services (WDACS) meal delivery service program.

3. **The feasibility of advocating for the following State guidelines for IHSS providers for the duration of the period that Governor Newsom's declaration of a State of Emergency is in effect:**
  - a) **Ensure IHSS providers who are not quarantined with their patients have sufficient protective supplies such as masks, gloves, gowns, and disinfectants.**

PASC and DPSS are making every effort to find PPE including collaborating with both the County Office of Emergency Management and DPH. Adequate funding is available in the PASC budget for purchasing PPE; however, due to the nationwide shortage, locating and purchasing PPE continues to be a challenge. PASC was recently able to secure additional hand sanitizer, and reported that as of the week of April 10<sup>th</sup>, has 1,780 boxes of gloves and approximately 750 bottles of hand sanitizer.

In addition, on Friday, April 10<sup>th</sup>, Governor Newsom announced that the State will be providing PPE (masks and gloves) to IHSS workers. The CDSS will be distributing the PPE to all IHSS Public Authorities (which is PASC in the County) and PASC reports that they'll receive 4,335 boxes of gloves and 1,735 boxes of N95 masks.

PASC will be working with the County, including DPH, and SEIU-2015 to determine the best way to handle distribution to the providers.

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**b) Authorize and compensate IHSS providers for any needed work hours in addition to their regular schedule in response to COVID-19.**

The State has issued a directive reiterating the flexibility in California law that allows for temporary adjustments in weekly authorized service hours to ensure adequate and timely services are provided during the State of Emergency. Under State law, recipients and counties have flexibility to make temporary adjustments to IHSS recipients' authorized hours, including when alternative resources previously utilized by the recipient are no longer available (e.g., community-based services and school). The State will also take action to remove violations should a provider incur overtime violations while performing services that were a critical need.

**c) Provide the necessary number of paid sick leave hours to IHSS providers to allow them to quarantine when sick, in accordance with State Department of Public Health guidelines for caregivers.**

On March 18, 2020, the President signed the FFCRA. Included in the FFCRA is the Emergency Paid Sick Leave Act, which provides for two weeks of emergency paid sick leave when a covered employee is unable to work due to the COVID 19 pandemic. The FFCRA became effective on April 2, 2020 and will remain in effect until December 31, 2020.

On April 14, 2020, CDSS released a policy providing two weeks of emergency paid sick leave when a covered provider is unable to work due to the COVID-19 pandemic. This became effective April 1, 2020 and will remain in effect until December 31, 2020. The emergency paid sick leave does the following:

- Full-time providers, those who work 40 or more hours per week, are entitled to eighty (80) hours of paid sick leave. Part-time providers, those who work less than 40 hours per week, are entitled to the average number of hours that the provider works over a two-week period.
- COVID-19 sick leave may only be claimed if the provider is unable to work for one of the following reasons related to COVID-19:
  1. The provider is subject to a quarantine or isolation order;
  2. The provider has been advised by a health care provider to self-quarantine;
  3. The provider is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
  4. The provider is caring for an individual who is subject to a quarantine or isolation order or has been advised to self-quarantine by a health care provider;

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5. The provider is caring for his/her child whose school or childcare facilities have been closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. The provider is experiencing any other substantially similar concerns.

The COVID-19 emergency paid sick leave benefits do not affect the existing IHSS paid sick leave benefits under California State law.

CDSS has indicated that the State will fully fund this benefit and has identified \$57 million for these costs.

- d) **Provide IHSS providers with access to online training on Centers for Disease Control and Prevention guidance on COVID-19, including plans for preparing for infection control procedures, and proper use of PPE.**

PASC reports that they have hosted three tele-forums for both recipients and providers to disseminate critical information related to COVID-19, and additional tele-forums are planned. Physicians from DPH participated and spoke to the proper use of PPE, as well as several other health precautions to be taken at this time. PASC has reported that both recipients and providers have expressed concerns about ongoing health risks, and PASC Engagement Coordinators continue to assist in providing information. PASC also presents daily social media updates related to COVID-19 as well as a link to the PASC website for more information.

- e) **Consider compensating IHSS providers for conducting extra check-ins on individuals receiving homecare to ensure their safety.**

In the County, 51 percent of all providers are live-in providers caring for recipients; therefore, additional check-ins may not be required. For the remaining 49 percent of providers, as outlined in section 1.b. above, counties have the flexibility to adjust the service hours as needed.

Moreover, DPSS SWs are conducting wellness checks for the at-risk population (i.e., age 65+ and who live alone, or who do not have a provider). During the wellness check, the SW will determine the well-being of the recipient and if the recipient is food insecure. The SW will share resource information, including informing the recipient of the CalFresh Program and WDACS meal delivery service program.

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On March 30, 2020, CDSS acknowledged the increased demands that both IHSS and Adult Protective Services (APS) SW's are experiencing in response to the COVID-19 pandemic. CDSS will provide \$10.0 million in County IHSS administration funding for SW overtime for activities in response to COVID-19. These activities include conducting face-to-face assessments, responding to increased phone calls, conducting re-assessments assisting with provider enrollment, and increased wellness checks to ensure the safety of IHSS consumers. For both IHSS and APS, the State requires that SW's identify and conduct outreach to program recipients who may need additional support during this time. Finally, on March 31, 2020, the California Department of Finance provided emergency funding to provide support to local governments and nonprofits to protect the health and safety of Californians, including approximately \$5.0 million for counties to conduct outreach (wellness check calls and visits) to ensure that IHSS consumers and other seniors are receiving the services they need and are safe in their homes. This funding is expected to be matched with federal funding.

- f) Provide low or no-cost COVID-19 screenings for IHSS providers and clients who exhibit symptoms, pursuant to the availability of reliable screenings, and conduct outreach to long-term care providers and recipients on screening locations and processes.**

The County, in partnership with the City of Los Angeles, is providing access to free COVID-19 testing to Los Angeles County residents. For a full list of locations and answers to questions about testing, individuals may visit [covid19.lacounty.gov/testing](https://covid19.lacounty.gov/testing).

The first step to getting a test is visiting [lacovidprod.service-now.com/rrs](https://lacovidprod.service-now.com/rrs) to determine eligibility and register for an appointment. Individuals who are unable to use a computer or access the internet may dial 2-1-1 for help making an appointment. At this time, testing is limited to people with symptoms and same or next day testing appointments are prioritized for individuals over 65 and/or individuals who have underlying chronic health conditions.

As the County is working to build a network of testing sites that are free and open to any member of the public who qualifies for testing, individuals may access free COVID-19 testing regardless of immigration status or insurance coverage. However, to ensure our testing sites help those who need it the most, individuals with insurance should first contact their medical providers to request COVID-19 testing through their own networks which are also providing testing in a variety of locations throughout the County.

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- g) Make COVID-19 instructions and information accessible and available in multiple languages.**

Users who utilize the DPSS website can select to access the information in English or Spanish. Additionally, the DPSS website provides a link to the County DPH website, where COVID-19 information and instructions are available in up to 109 languages.

- h) Expand eligibility for Unemployment Insurance to include domestic partner, spouse, adult child, and parent IHSS providers who are left without an income if their consumer is hospitalized.**

Current law provides for the payment of unemployment compensation benefits and extended benefits to eligible individuals who meet specified requirements. However, existing law excludes services performed by a child in the employ of a parent, a parent in the employ of their child, or a person in the employ of their spouse, from the definition of employment for purposes of unemployment taxes and unemployment insurance benefit eligibility.

Assembly Bill (AB) 1993, introduced on January 27, 2020 by Assembly member Sydney Kamlager-Dove, would, for purposes of unemployment insurance coverage, expand the definition of employment to include services performed by an individual in the employ of their father or mother, or service performed by an individual in the employ of their son, daughter, or spouse, if that individual is providing services through the IHSS program. However, the measure does not explicitly expand the definition of employment to include a domestic partner or adult child as currently written.

In addition, AB 1993 would take effect immediately upon approval and would create a tax levy. This measure has been referred to the Assembly Insurance Committee. Taking a County position on AB 1993 would be a matter of Board policy determination as it would create a tax levy.

CEO will continue to work with DPSS and other impacted departments to further review this and other related measures.

- i) Fund the cost of criminal background checks for IHSS providers and expedite the enrollment of new providers.**

Funding of \$692,000 for PASC to handle the administrative oversight of criminal background checks is included in their budget, which is adequate to fund these services. Efforts by PASC and DPSS to enroll new providers is discussed within the backup providers information in section I.

